FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 1051 OF 2006

Office Notes, Office Memorada orders or directions and Registrar‘s orders.	Court‘s or Judge‘s Orders.
	Shri A.M.Sarogi for the petitioenr Shri P.P.Kakade AGP for Respdt.

CORAM; V.G.PALSHIKAR &
V.R.KINGAONKAR, JJ.

DTAED: 2ND MARCH,2006.

1. By this petition, the petitioner has impugned the certificate issued by the Co-operative Authority under section 101 of the Maharashtra Co-operative Societies Act 1961. The challenge is that after coming into force of DRT Act, this remedy is not open to the Co-operative Bank. For this submission, reliance is placed on a judgment delivered by the High Court of Andra Pradesh where that court has held that such certificates after commencement

of the DRT act were invalid. In our opinion, therefore, the proper remedy for the petitioner to follow now, is to file civil suit for declaration that the certificate obtained by the respondent Co-operative Bank is void by reason of law and for consequential relief of possession and stay as interim relief which the petitioner may like to pray.

3. Since such remedy effective in nature is available to the petitioner, the petitioner be relegated that remedy of filing civil suit, following the dicta of the Supreme Court, reported in **AIR 1996 S.C. Vol.(6) page 199.** We direct that no co-ersive action under the certificate will be taken for a period of three weeks from the date of this order. The petition is accordingly disposed of.

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